

## **MINUTES**

### **ALCOHOL AND TOBACCO COMMISSION**

**SEPTEMBER 6, 2011**

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson and Commissioner Guthrie. Superintendent Strittmatter and Executive Secretary Neal were also in attendance.

Alli King, Trevor Vance, Nicole Upano, Marc Carmichael, Lisa McKinney and Debbie Rolfsen were present as observers.

#### **DISPOSITION OF MINUTES**

Commissioner Guthrie moved to approve the minutes that were submitted for the August 16, 2011 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the September 6, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the September 6, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### **CONSIDERATION OF APPLICATIONS**

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Vice Chairman Johnson moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Five hundred sixty-eight (568) permits approved for renewal, fifty-six (56) new and/or transfer permits approved, fourteen (14) permits approved for catering, seven (7) permits approved for first year escrow, eight (8) permits approved for second year escrow, six (6) permits approved for third year escrow, two (2) permits approved for fourth year escrow and two (2) permits approved for fifth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR29-18014 THE BRIDGEWATER CLUB AND RR29-89114 EDC GOLF, INC. – Commissioner Guthrie stated the locations of these permits were annexed into the city limits. The permittee requests the Commission convert the type 209 permits to type 210 permits.

Commissioner Guthrie moved to approve the conversions. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-11708 THIS SINKING SHIP, LLC – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RH73-19320 SG CROWN PLAZA, INC. - Commissioner Guthrie noted this permittee did not appear before the local board as required. The local board did not vote on the renewal.

Commissioner Guthrie made reference to the local board voting sheet because it states the permittee owes over \$100,000.00 in property taxes.

Commissioner Guthrie moved to deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR14-26910 & RR14-26911 CHAPMANS 4 SEASONS, INC. - Commissioner Guthrie noted this is a transfer of ownership for a type 112 permit and a type 210-1 permit. The local board voted three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfer. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR84-00292 SCOTTY DOG HOUSE, INC. – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie made note that the property where the permit is located is in foreclosure and the permittee has no right to the property. Also, the permittee has had multiple violations in the last year.

Commissioner Guthrie moved to uphold the local board's recommendation and disapprove the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-06425 FRANKLIN D. BANKS, JR. – Commissioner Guthrie stated this permit is currently in 3<sup>rd</sup> year escrow. The Commission received a letter from an attorney representing a buyer for the permit, requesting an escrow to escrow sale. The buyer would be ready to open and put the permit into use in 10 months.

Commissioner Guthrie moved to approve the escrow to escrow sale. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-27824 FOGATAS BAR & GRILL, INC. – Commissioner Guthrie noted this is a new application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the applicant failed to appear before the local board at 3 consecutive meetings, as required.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make eleven (11) permits inactive. Seven (7) permits are not subject to auction and four (4) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

NONRULE POLICY ATC - 010 – Executive Secretary Neal stated this nonrule policy formalizes the appeal process for type II gaming manufacturers and distributors. Currently, there is no process in place for an appeal. This process will mirror the appeal process for primary source and direct wine shippers, where the majority of the permittees are out-of-state.

Commissioner Guthrie moved to approve the nonrule policy. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

INDIANA STATE EXCISE POLICE OFFICER RECOGNITION – Chairman Huskey acknowledged five officers with the Indiana State Excise Police that responded to an “all call for service” the night the

stage collapsed at the Indiana State Fair. The Chairman commended the officers on the great service provided to the citizens of Indiana and the professionalism they displayed that evening. With little regard for any specialized assignments or enforcement initiatives, they responded to the call. Chairman Huskey stated the officers will receive a Letter of Commendation, with a copy of it to be placed in their personal files. The officers who were recognized are: Josh Mosier, Kayla Dawson, Randy Weitzel, Brandon Reynolds and Michelle Catterson.

PROMOTION OF EXCISE OFFICERS – Superintendent Strittmatter stated he is very pleased to announce the promotion of six (6) officers to new ranks. Those officers are: Sergeant Jeff Lang, District 6; Corporal Brad Lutes, District 5; Corporal Rich Harrison, District 6; Corporal Keith Reinhart, District 2; Corporal Jason Szemes, District 1; and a new corporal position for public information, Corporal Travis Thickstun at General Headquarters.

Chairman Huskey stated he is very happy to have this ceremony of promotion during the Alcohol and Tobacco Commission meeting. The Chairman thanked the officers for the service and leadership in making this agency what it has become and what it shall be in the future.

### **ADJOURNMENT**

Commissioner Guthrie moved to adjourn the meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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ALEX HUSKEY, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER